

Remarks

The Examiner had initially rejected original claims 1-3, 5-11 and 13-20 under 35 U.S.C. § 102(b) as being anticipated by Zander (U.S. Patent No. 1,110,174) ("*Zander*"). The Examiner had initially rejected original claims 4 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Zander*, further in view of Howe (U.S. Patent No. 475,563) ("*Howe*"). Applicants had amended claims 1, 9, 17 and 19 to more particularly point out the invention, and presented arguments in favor of patentability. In the Final Action, the Examiner further relies on Chao (U.S. Patent No. 6,789,664) ("*Chao*") to reject the claims. The Examiner states that *Chao* overcomes the deficiencies of the other references.

Applicants believe that there is no motivation to combine the references to achieve the claimed invention. First, Applicants believe that *Chao* is non-analogous art. Second, Applicants believe that combining the primary reference, *Zander*, with *Chao* would render *Zander* inoperable for its intended purpose. Third, Applicants believe that *Chao* fails to overcome the deficiencies of the other references. For these three reasons, Applicants believe that there is no motivation to combine the references to achieve the claimed invention, and that the claims are patentable.

Applicants' invention relates to electronic lock and money control systems such as used by merchants to collect and dispense money during business operation, and to a system capable of stand alone operation as well as expanded networking and control of multiple electronic lock and money collection/dispensing units, and more particularly to money tubes with associated stand alone or network dispensing units. (Specification, p. 1, ll. 7-12.) The particular problem confronted by Applicants is described in the Specification at page 1, line 22 - page 2, line 4. More specifically, an existing money tube consists of a clear plastic tube and a plastic snap cap. The caps sometimes come off during the process of insertion into the tube rack, come off while in the tube rack, and come off during dispensing from the tube rack. This results in jams, misfeeds, and causes miscounts.

Chao relates to eyeglass cases for storing eyeglasses. *Chao* is not within Applicants' field of endeavor. Further, *Chao* is not related to the particular problem addressed by Applicants as *Chao* only relates to associating an additional purpose with eyeglass cases. Put another way, *Chao* does not logically commend itself to the attention of inventors when facing the problem of money tube plastic snap caps coming off during the process of insertion into the tube rack, coming off while in the tube rack, and coming off during dispensing from the tube rack in a money dispensing unit that uses money tubes.

Because *Chao* is not within Applicants' field of endeavor and does not relate to the problem faced by Applicants, *Chao* is non-analogous art. Accordingly, there is no motivation to combine *Chao* with the other references to achieve the claimed invention.

The Examiner states that the cross-section of the eyeglass case is cylindrical and configured to accept the round profile of coins, and that both first and second components are configured to contain coins and read on the first and second body portions of the Applicants' tube body. Nevertheless, the fact that *Chao* shows a cylindrical cross-section is not sufficient to make *Chao* into analogous art. Again, *Chao* is not in the same field of Applicants' endeavor and is not reasonably pertinent to the particular problem with which the Applicants were concerned. *Chao* only just happens to show an eyeglass case with a cylindrical cross-section. An inventor facing the aforementioned problems with money tube plastic snap caps would simply not look to the art of eyeglass cases as such art is non-analogous.

With regard to *Zander*, *Zander* does describe a coin tube. The *Zander* coin tube is described as a coin collecting tube for vending machines, having an aperture coin-receiving cap on one end and a secure but removable closure on the other end secured to the tube body by a destructible seal. The tube is adapted such that when the cap is removed, the tube may be inserted into a corresponding part of a coin counting machine.

With regard to independent claims 1 and 9, these claims recite a specific combination of features, including a centrally divided tube body, wherein first and second body

portions connect and the first and second tube body ends contain money in the tube body. The Examiner acknowledges that *Zander* does not suggest a centrally divided tube body. In contrast, *Zander* describes an elongate tube A with a coin receiving cap on one end and a removable closure on the other end. Thus, the *Zander* coin tube is not a centrally divided tube body, but instead is an elongate tube body with a closure device on each end.

Chao does not address the deficiency of *Zander*. *Chao* describes various eyeglass cases having timepieces and eyeglass cases having mirrors. However, each eyeglass case in *Chao* is composed of a main body and a cap, and *Chao* fails to suggest a centrally divided tube body as claimed.

Further, claims 1 and 9 each recite that the first and second ends contain money in the tube body. Because *Zander* by its nature allows the coins to exit lower opening L for counting, providing a centrally divided tube body would frustrate the purpose of *Zander* and render *Zander* inoperable for its intended purpose as *Zander* requires the removable cap for adaption to the coin counting machine.

With regard to independent claims 17 and 19, these claims are also believed to be patentable. Each of these independent claims recites a centrally divided tube body composed of a first body end portion, a second body end portion, and a body middle portion. As well, these claims recite that the first and second ends contain money in the tube body. Again, the Examiner acknowledges that *Zander* fails to describe a centrally divided tube body including the recited features. And again, as stated above, *Chao* is believed to be non-analogous art, combining *Chao* with *Zander* would render *Zander* inoperable, and *Chao* is still believed to fail to overcome the deficiency of *Zander*.

With regard to *Howe*, *Howe* fails to overcome the deficiencies noted above in *Zander* and *Chao*.


All remaining claims are dependent claims and are also believed to be patentable.

For the reasons given above, Applicants respectfully request that the Examiner allow pending claims 1-20.

A check in the amount of \$120.00 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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Date: July 1, 2005

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